

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**AGALEAN CLEMONS**

**Petitioner,**

**v.**

**WARDEN CYNTHIA S. WHEELER-  
WHITE and TROY KING,**

**Respondents.**

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**CIVIL ACTION NO. 09-0387-CG-N**

**ORDER**

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 is adopted as the opinion of this Court.

It is **ORDERED** that this action be **DISMISSED** without prejudice for failure of the petitioner to comply with an order of this court and for failure to pay the filing fee or seek leave to proceed in forma pauperis.

**DONE and ORDERED** this 25th day of September, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE